

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U 338 E) Regarding the Future
Disposition of the Mohave Generating Station.

Application 02-05-046
(Filed May 17, 2002)

**ADMINISTRATIVE LAW JUDGE RULING ON MOTION FOR ORDER
SHORTENING RESPONSE TIME TO MOTION TO STRIKE BY NAVAJO NATION**

On May 25, 2004, the Navajo Nation (Navajo) filed a Motion to Strike Portions of Testimony of a Southern California Edison Company (Edison) witness and a brief filed by the utility and concurrently filed a Motion for Order Shortening Response Time. The Navajo's motion requested that responses be due Friday, May 28, 2004. Evidentiary hearings are scheduled to begin June 14, 2004, and rebuttal testimony is due June 4, 2004.

After considering the Navajo's motion, and without the benefit of Edison's response, it appears that there is a strong possibility that testimony submitted by Frederick Palmer on behalf of Edison is no longer relevant to positions being advanced by the Navajos. If the Navajo's are withdrawing/superceding testimony previously submitted, then Mr. Palmer's testimony responding to Dr. Cicchetti's testimony on behalf of the Navajo's might be moot.

Pursuant to established Commission practice, and this Administrative Law Judge's preference, I direct the Navajo and Edison to engage in a good faith meet-and-confer to determine if these parties can resolve the issue on their own. The motion filed by the Navajo did not reference any attempt to informally resolve this with Edison.

In lieu of ruling on an order shortening response time, I direct Edison and the Navajo to try and come to an agreement on what testimony is still relevant, and therefore what cross-examination is appropriate, and inform the service list no later than close of business on Wednesday, June 2, 2004.

Appreciating the fact that rebuttal testimony is due June 4, 2004, once Edison and the Navajo inform the service list of what testimony is still in-play for the hearing, if any party needs additional time to respond to this disputed part of the testimony, I will do what I can to accommodate the problem.

This particular issue concerning Mr. Palmer's testimony should not impact the ability of the parties to prepare rebuttal on other testimony served in preparation of the June 14, 2004 evidentiary hearings.

IT IS RULED that Southern California Edison Company and the Navajo Nation (Navajo) are to meet-and-confer to determine what portions of testimony previously served by the Navajo is still being advanced for the up-coming evidentiary hearings, and correspondingly, what portions of Mr. Palmer's testimony is still relevant.

Dated May 27, 2004, at San Francisco, California.

/s/ CAROL A. BROWN

Carol A. Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge Ruling on Motion Shortening Response Time to Motion to Strike by Navajo Nation on all parties of record in this proceeding or their attorneys of record.

Dated May 27, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

A.02-05-046 CAB/hl2

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.